

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN PATRICK MOORE, II,

Plaintiff,

Case No. 21-CV-12564

vs.

HON. GEORGE CARAM STEEH

HEIDI WASHINGTON, et al,

Defendants.

ORDER ACCEPTING MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION (ECF NO. 40) TO DENY
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT (ECF NO. 26)

Plaintiff John Patrick Moore, II brings this action against various Michigan Department of Corrections (MDOC) employees, alleging violations of his religious rights under the First and Fourteenth Amendments. Moore alleges that he is a Sunni Muslim whose faith requires that he wear modest clothing and specific head and footwear, pray in congregation five times daily, use religious items for prayer, and consume properly slaughtered ceremonial meat on two Islamic holy days ("Religious Practices"). Moore alleges that the MDOC and Parnall Correctional Facility policies prohibit him from adhering to the Religious Practices. Defendants move for summary judgment, arguing that Moore failed to properly exhaust his administrative remedies. ECF No. 26.

The Magistrate Judge reviewed the five grievances filed by Moore that proceeded through MDOC's three-step grievance procedure. At the end of her analysis, the Magistrate Judge concluded that defendants fail to show Moore had an available administrative remedy to grieve the policy about his Religious Practices, such that their exhaustion argument lacks merit.

No timely objections having been filed, the Court adopts the report and recommendation made by the Magistrate Judge. Now, therefore,

IT IS HEREBY ORDERED that the report and recommendation (ECF No. 40) is accepted and adopted by the Court.

IT IS HEREBY FURTHER ORDERED that defendant's motion for summary judgment on the basis of exhaustion (ECF No. 26) is DENIED.

Dated: February 28, 2023

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on February 28, 2023, by electronic and/or ordinary mail and also on John Patrick Moore II, #713922, Parnall Correctional Facility – SMT, 1780 E. Parnall, Jackson, MI 49201.

s/Michael Lang
Deputy Clerk